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OFFICE OF PETITIONS

In re Application of	:	
Kevin Ellis, Christina Wodtke, Jennifer	:	
Crakow, and Qi Lu	:	
Application No. 10/783,862	:	
Filed: February 20, 2004	:	DECISION ON PETITION
Attorney Docket No. 694231/0090 JD/KCE	:	
Title: SYSTEM AND METHOD FOR	:	
PROVIDING AN IMPROVED GRAPHICAL	:	
USER INTERFACE FOR SEARCH	:	

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed November 15, 2004.

On February 20, 2004, the application was deposited, identifying Kevin Ellis, Christina Wodtke, Jennifer Crakow, and Qi Lu as joint inventors. The application was deposited with an unexecuted declaration. On May 14, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of \$130.00 were required. This Notice set a two-month period for reply.

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

Along with the instant petition, Petitioner has submitted the petition fee, the surcharge, a four-month extension of time, a statement of facts, copies of several letters, a declaration that has been executed by each of the joint inventors save Ms. Wodtke, and the last known address of the same.

The petition has met requirements (1) – (4) above.

Regarding the fifth requirement, petitioner has not submitted a declaration which complies with 37 CFR §1.63. The declaration submitted with the instant petition contains non-initialed and non-dated changes by joint inventors Ellis and Crakow².

For this reason, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a properly executed declaration along with a cover letter entitled “Renewed Petition Under 37 C.F.R. §1.47(a)”. This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail³, hand-delivery⁴, or facsimile⁵.

The application file will be retained in the Office of Petitions for two (2) months.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.


Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² See 37 C.F.R. §1.52(c)(1) and MPEP 605.04(a).

³ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁴ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁵ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.